

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

GEORGIA ANDERSON,	)	
	)	
Plaintiff,	)	
	)	No. 2:12-CV-306
	)	(VARLAN/SHIRLEY)
V.	)	
	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 8] referring a Motion to Strike Pattern and Practice Allegations [Doc. 5], filed by Defendants Portfolio Recovery Associates, LLC, and Elaine Freeman-Lark, (herein “the Defendants”), to the undersigned for disposition or report and recommendation as may be appropriate.

The Motion to Strike was filed on August 16, 2012. Therein, the Defendants move the Court to strike pattern and practice allegations found in the Complaint [Doc. 1] at paragraphs 13, 20, 21, 22, 23, 24, 27, 28, 29, 52, 60, and 61. In support of this request, the Defendants argue that: allegations of the Defendants’ debt-collection practices with regard to other debtors are irrelevant; evidence of a debt collector’s actions toward third parties is irrelevant; and the Defendants will be prejudiced if the pattern and practice allegations made by the Plaintiff are not stricken from the Complaint. The Plaintiff cites the undersigned to Shelton v. Encore Capital Group, Inc., No. 2:12-CV-23 (E.D. Tenn. July 5, 2012), and Howze v. Encore Capital Group,

Inc., No. 2:12-CV-12 (E.D. Tenn. July 5, 2012), wherein the Honorable Dennis Inman, United States Magistrate Judge, granted a similar motion to strike pattern and practice allegations.<sup>1</sup>

The Plaintiff has not responded in opposition to the relief requested by the Defendants. The time for responding has expired. See E.D. Tenn. L.R. 7.1; Fed. R. Civ. P. 6(d), 5(b)(2)(E). The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2; see also Campbell v. McMinn County, 2012 WL 369090 (E.D. Tenn. 2012) (Curtis, C.J.) (“Plaintiff’s failure to respond effectively waives any objections that he may have had on this matter.”).

The Court has considered the Defendants’ requested relief and the arguments presented in support of the relief. The Court finds that Shelton v. Encore Capital Group, Inc., No. 2:12-CV-23 (E.D. Tenn. July 5, 2012), and Howze v. Encore Capital Group, Inc., No. 2:12-CV-12 (E.D. Tenn. July 5, 2012), provide persuasive authority in this case. Moreover, the Court finds that the Plaintiff has failed to present any opposition to the relief requested.

Accordingly, the Court finds that the Motion to Strike Pattern and Practice Allegations [Doc. 5] is well-taken, and it is **GRANTED**. The Plaintiff **SHALL FILE** an amended complaint removing the pattern and practice allegations from paragraphs 13, 20, 21, 22, 23, 24, 27, 28, 29, 52, 60, and 61, on or before **September 24, 2012**. Thereafter, the Defendants shall have up to and including **October 8, 2012**, to file a responsive pleading or motion.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge

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<sup>1</sup> Judge Inman denied the Defendants’ request in Shelton and Howze to strike certain allegations as redundant. In the instant motion, the Defendants do not argue that any allegations are redundant.